



PROPOSED REGULATIONS FOR TEMPORARY WORKFORCE HOUSING

March 19, 2013
Guam Department of Labor
2013 Foreign Labor Compliance Conference

Presented by
Marilou O. Scroggs
Division of Environmental Health
Department of Public Health & Social Services

PURPOSE

To provide an overview of the proposed rules and regulations governing the sanitary operation of a Temporary Workforce Housing (TWH) – also known as “Workers’ Dormitory”

DIVISION OF ENVIRONMENTAL HEALTH MISSION

To serve and protect the people of Guam from environmental hazards through education and the implementation of governing laws designed to prevent injuries, disabilities, diseases, and deaths.

03/19/13

2013 Foreign Labor Compliance
Conference

AGENDA

- Background of the Division of Environmental Health
- Sanitary Permit
- Proposed Regulations
- Public Law 30-64
- Components of TWH Rules & Regulations

03/19/13

2013 Foreign Labor Compliance
Conference

DIVISION OF ENVIRONMENTAL HEALTH

- Regulates the importation, distribution, and sale of consumer commodities (food, drugs, cosmetics, & hazardous substances)
- Protects the public from insect/animal disease
- Issues “Sanitary Permits/Dormitory Permits” to regulated facilities; “Health Certificates” to employees of health regulated health facilities; Guam Controlled Substances Registrations” to practitioners and institutions.
- Conducts compliance inspections, outbreak investigations , and environmental health assessments.
- Regulates the sanitation of people and places

03/19/13

2013 Foreign Labor Compliance
Conference



SANITARY PERMITS

- Title 10 GCA, Chapter 21 requires all regulated facilities to obtain a “Sanitary Permit”
- Facilities possessing Sanitary Permit will be regulated and inspected by the Division of Environmental Health, DPHSS

03/19/13

2013 Foreign Labor Compliance
Conference

REGULATIONS

- Sanitary Permit is also required in addition to the “Dormitory Permit”
- Sanitary Permit requirements for TWH are currently based on “Hotel/Motel” regulations
- Dormitory Permit requirements are based on Department of Labor (DOL) standards
- DPHSS will be adopting the same DOL standards for Sanitary Permit of TWH to ensure uniformity
- Proposed “*Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing*” developed with provisions of Public Law 30-64 included

03/19/13

2013 Foreign Labor Compliance
Conference

P.L. 30-64

- Authorizes DPHSS to recruit inspectors to perform compliance inspection of TWH
- Law created “DPHSS Sanitary Inspection Revolving Fund”
 - Revenues from registration of non-immigrant temporary worker
 - Funds to be used to recruit inspectors to perform compliance inspection of TWF

03/19/13

2013 Foreign Labor Compliance
Conference

P.L. 30-64 (cont.)

- Inspections of TWH to be conducted in “phases” with frequency based on compliance
 - Fewer violations, less inspections
 - More violations, more inspections
- Primary Inspection Phase – Inspection every quarter (4 times a year)
 - After 4 consecutive satisfactory inspections, moved to “Secondary Inspection Phase”
- Secondary Inspection Phase – Inspection twice a year
 - After 2 consecutive satisfactory inspections, moved to “Tertiary Inspection Phase”

03/19/13

2013 Foreign Labor Compliance
Conference

P.L. 30-64 (cont.)

- Tertiary Inspection Phase – Inspection once a year
 - Status maintained indefinitely, provided inspections are satisfactory
- Any unsatisfactory inspection results in return to “Primary Inspection Phase”
- TWH must pay fee for every compliance inspections
 - Dependent on size of facility: \$0.05 sq. ft.
 - Excludes inspection result of complaints, investigations, and others

03/19/13

2013 Foreign Labor Compliance
Conference

MAXIMUM CAPACITY

- The maximum number of workers allowed in TWH is determined by:
 - Square footage of the housing facility
 - Numbers of bathing, hand-washing, laundry, and toilet facilities
 - Notice of Action from Guam Land Use Commission (GLUC)

03/19/13

2013 Foreign Labor Compliance
Conference

LOCATION AND PREMISES

- Grounds maintained and free from rubbish, garbage or other refuse
- Adequately drained and graded
- Available recreation space for the occupants
- 500 feet away from livestock

03/19/13

2013 Foreign Labor Compliance
Conference

SHELTER

- 50 square feet of available floor area for each occupant
- 100 square feet in a room where occupants cook, live, and sleep
- Minimum of 7-foot ceiling
- Sleeping arrangements
 - Beds
 - Metal frame cots or bunks with springs
 - Mattresses
 - Mattresses covers

03/19/13

2013 Foreign Labor Compliance
Conference

SHELTER (cont.)

- One bed for each occupant
- Beds spaced no closer than 36 inches both laterally and end-to-end
- Double-deck bunks spaced no less than 48 inches laterally and end-to-end
- Minimum clear space between the lower and upper bunk not be less than 27 inches
- Bed elevated at least 12 inches from the floor

03/19/13

2013 Foreign Labor Compliance
Conference

In Compliance



03/19/13

2013 Foreign Labor Compliance
Conference

Not In Compliance



03/19/13

2013 Foreign Labor Compliance
Conference

Not In Compliance



03/19/13

2013 Foreign Labor Compliance
Conference

SHELTER (cont.)

- Triple-deck bunks are prohibited
- Floor surface must be constructed of wood, asphalt, or concrete
- Wooden floors must be elevated not less than 1 foot above the ground
- At least 100 square feet of floor space for all communal kitchens
- One stove for every 10 people where cooking facilities are shared

03/19/13

2013 Foreign Labor Compliance
Conference

WATER SUPPLY

- Adequate supply of potable water for drinking, cooking, bathing, and laundry
- Drinking water dispensed by means of drinking fountains, cups, and water coolers with cover
- One water fountain or dispenser for every 100 people

03/19/13

2013 Foreign Labor Compliance
Conference

TOILET FACILITIES

- Adequate supply of toilet paper and trash container
- Completely enclosed
- Accessible without passing through any sleeping room
- 200 feet from the door of sleeping room
- One enclosed toilet for every 15 people
- One urinal for every 25 men
- Separate toilet rooms for each sex and distinctly marked for “Men” and for “Women” in English
- Lighted naturally or artificially at all times
- Kept in sanitary condition and be cleaned at least daily

03/19/13

2013 Foreign Labor Compliance
Conference

Not In Compliance



03/19/13

2013 Foreign Labor Compliance
Conference

FEB 7 2008

Not In Compliance



03/19/13

2013 Foreign Labor Compliance
Conference

FEB 7 2008

LAUNDRY, HANDWASHING, AND BATHING

- Hand washing sink for every six people in shared facilities
- One shower head for every 10 people
- One laundry tray or tub for every 30 people
- Adequate supply of hot and cold water

03/19/13

2013 Foreign Labor Compliance
Conference

LIGHTING

- At least one ceiling-type light fixture in each room
- One separate floor or wall-type convenience outlet in each room
- 20 foot-candles in laundry and toilet rooms
- 30 foot-candles in other rooms including kitchen and living quarters

03/19/13

2013 Foreign Labor Compliance
Conference

REFUSE DISPOSAL

- Dispose trash as often as necessary to prevent public health nuisance
- Fly-tight, rodent-tight, impervious and easily cleanable containers
- One trash container within 100 feet of each shelter
- Empty garbage containers when full, but at least once every two weeks

03/19/13

2013 Foreign Labor Compliance
Conference

KITCHEN, DINING HALLS & FEEDING FACILITIES

- Adequate facilities for preparation, serving, refrigeration and storage
- Separate from sleeping quarters
- No direct opening from sleeping quarters into kitchen or dining hall
- Must be in conformance with applicable regulations for eating and drinking establishment

03/19/13

2013 Foreign Labor Compliance
Conference

INSECT AND RODENT CONTROL

- All entrances and exits must be effectively screened against entrance of pests and vectors
- Every window opening shall likewise be equipped with screens

03/19/13

2013 Foreign Labor Compliance
Conference

SAFETY AND FIRST AID KIT

- First aid supplies accessible at all times
- One first aid kit for every 50 people
- First aid kit distributed and placed conspicuously throughout the facility
- No storing of flammable, or volatile liquids or materials adjacent to sleeping rooms
- No storing of pesticides and toxic chemicals within the site

03/19/13

2013 Foreign Labor Compliance
Conference

ANIMALS AND POULTRY

- No cats, dogs, livestock, or poultry permitted in the dormitory, kitchen, dining or other buildings used for housing purposes.

03/19/13

2013 Foreign Labor Compliance
Conference

REPORTING OF COMMUNICABLE DISEASE

- Owner or operator to report immediately to the DPHSS by telephone, electronic mail, or any equally fast method
 - Any individual in the facility known to have or suspected of having a communicable disease
 - Case of suspected food poisoning
 - Any unusual illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom

03/19/13

2013 Foreign Labor Compliance
Conference

COMPLIANCE INSPECTIONS

- Inspections may occur anytime, any day
 - Conducted to confirm compliance of requirements
- Violation is assigned a *demerit* point
 - More critical the violation, higher the demerit point
 - More violations equal more demerit points

03/19/13

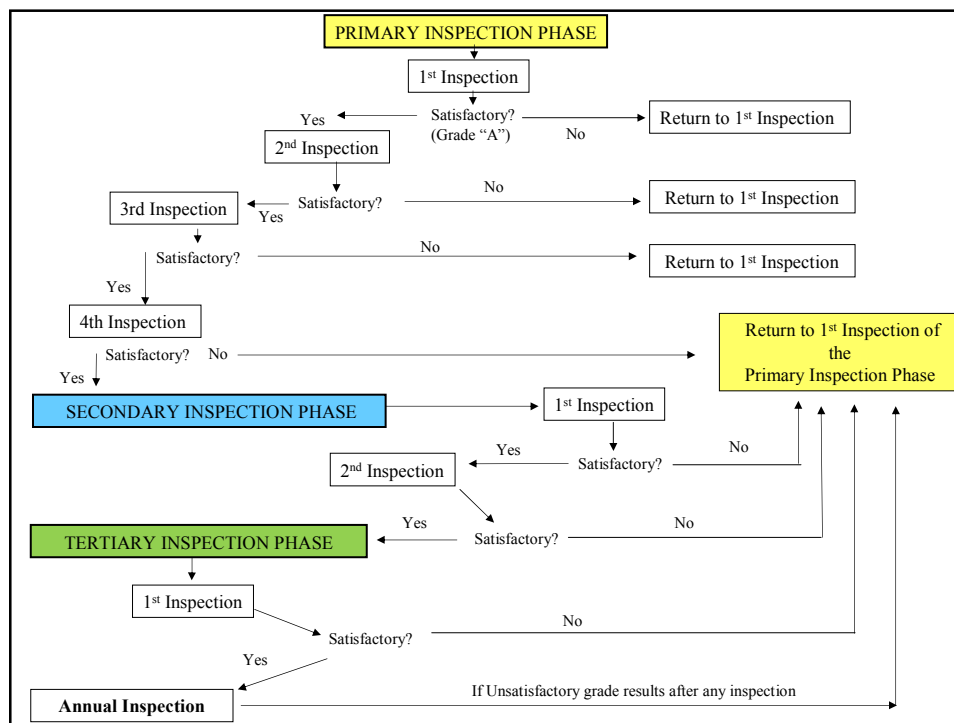
2013 Foreign Labor Compliance
Conference

COMPLIANCE INSPECTIONS (cont.)

- Demerit points are added for final grade
 - “A” = 0 - 10 demerits
 - “B” = 11 - 20 demerits
 - “C” = 21 - 40 demerits
 - Suspension of Permit (Closure) = 41 or more demerits
- Inspection by “Phases” pursuant to P.L. 30-64
 - Satisfactory = Grade A
 - Unsatisfactory = Less than Grade A

03/19/13

2013 Foreign Labor Compliance
Conference



INSPECTION REPORT

- Inspection Report is completed and issued to manager of TWH
 - Indicates, findings, violations, demerit score, and grade issued
 - Remarks referenced by section number, and corrections that need to be made
 - Gives date(s) of correction
- Copy of the completed inspection report form is issued to the operator at the conclusion of the inspection

03/19/13

2013 Foreign Labor Compliance
Conference

STATUS

- Public Hearing
 - August 02, 2012
 - Two (2) construction companies attended
- Transmitted to AG for review
 - November 16, 2012

03/19/13

2013 Foreign Labor Compliance
Conference

For Additional Information

- DEH: Ron Carandang, EHS-Supervisor
 - 735-7221
 - ronald.carandang@dphss.guam.gov
- DEH: Malou Scroggs, EHS III
 - 735-7506
 - marilou.scroggs@dphss.guam.gov
- One Stop Service Center: Jeannie Dizon, Engineer
 - 646-1276 Wednesday & Friday
 - jeannie.dizon@dphss.guam.gov

03/19/13

2013 Foreign Labor Compliance
Conference

QUESTIONS?

03/19/13

2013 Foreign Labor Compliance
Conference



THANK YOU!

03/19/13

2013 Foreign Labor Compliance
Conference